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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of
Norman DeCost, et al.

Art Unit: Unassigned

Examiner: Unassigned

Application No.: 10/757,577

Atty. Docket: 06780050AA

Filed: January 15, 2004

For: **PASSIVE DISPLAY UNIT AND SYSTEM AND METHOD OF USE**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO MAKE SPECIAL AND ACCELERATE EXAMINATION
UNDER 37 C.F.R. § 1.102(d)

Sir:

Applicants herein respectfully petition under 37 CFR § 1.102(d), and in accordance with MPEP § 708.02 (VIII), for the accelerated examination of the above-identified patent application. Applicants attach a check in the amount of \$130.00, as required by 37 CFR § 1.17(i).

Applicants believe that all claims in this patent application are directed to a single invention. However, should the Examiner find otherwise, Applicants will make an election without traverse upon request. If an election should be necessary, Applicants invite the Examiner to contact the undersigned via telephone.

A pre-examination search was conducted in the U.S. Patent and Trademark Office. The search included the following classes and subclasses:

280/33.991, 33.992
345/204
340/5.9, 5.91
186/62

Each of the references uncovered as a result of the search is discussed below in detail. All of the references were made of record in a January 15, 2004 Information Disclosure Statement filed with the patent application papers; therefore, copies of the references are not enclosed.

U.S. Patent No. 4,021,953

U.S. Patent No. 4,021,953 to Couch discloses a shopping cart display guide which is designed to be mounted on the handle of a shopping cart. The display guide comprises an inner cylinder which is rotated within an outer cylinder that has a magnifying viewing window. A sheet of paper with pricing information is attached to the inner cylinder. The user may rotate the inner cylinder to view pricing information. Couch does not disclose or suggest, at least, a passive mobile display unit with a processor for processing and storing downloaded information, or methods for controlling and communicating with such a unit.

U.S. Patent No. 4,930,795

U.S. Patent No. 4,930,795 to Tannehill et al. discloses a rotary display for advertising which is designed to be mounted on a shopping cart. The rotary display comprises a number of advertisements printed on a belt which is mounted on a display drum. The display drum is driven and caused to rotate by motion of a shopping cart's wheels. As the drum moves, it causes the various printed advertisements to rotate in and out of the user's view. Tannehill et al. does not disclose or suggest, at least, a passive mobile display unit with a processor for processing and storing downloaded information, or methods for controlling and communicating with such a unit.

U.S. Patent No. 4,973,952

U.S. Patent No. 4,973,952 to Malec et al. discloses a shopping cart display system that has a cart-mounted display responsive to trigger signals provided by transmitters associated with particular locations in a retail store. When the display receives a trigger signal, it displays advertising media associated with that location. The display includes a trigger module, a sensor for determining whether the information is displayed in the presence of a consumer, and a memory for storing all trigger signals received during a given shopping trip. The stored data is transmitted to a polling transceiver located at a point sales register for later analysis. Malec et al. does not disclose or suggest, at least, a passive mobile display unit with a processor for processing and storing downloaded information, or methods for controlling and communicating with such a unit.

U.S. Patent No. 4,988,025

U.S. Patent No. 4,988,025 to Lipton et al. discloses a shopping cart attachment having an advertisement and a calculator including a display. In response to keyboard input from a user or another predetermined event, the calculator may display an advertising message related to the advertisement included in the attachment. Lipton et al. does not disclose or suggest, at least, a passive mobile display unit with a processor for processing and storing downloaded information.

U.S. Patent No. 5,158,310

U.S. Patent No. 5,158,310 to Tannehill et al. is a continuation-in-part of U.S. Patent No. 4,930,795, which was discussed above. In addition to the disclosures of the '795 patent, this patent discloses that the display system may be coupled to a transmitter system so that directional lights and other visual indicators are activated on the shopping cart when the cart passes near a transmitter placed in a store. Tannehill et al. does not disclose or suggest, at least, a passive mobile display unit with a processor for processing and storing downloaded information, or methods for controlling and communicating with such a unit.

U.S. Patent No. 5,250,789

U.S. Patent No. 5,250,789 to Johnsen discloses a shopping cart that includes a display system and bar code scanner. The shopping cart may also include a thermal printer for printing coupons. According to Johnsen, the disclosed shopping cart is configured such that promotions may be triggered by scanning certain products in a retail store. In other cases, the scanning of a product causes the display to display an advertisement. Johnsen does not disclose or suggest, at least, a passive mobile display device, or methods for controlling and communicating with such a unit.

U.S. Patent No. 5,280,932

U.S. Patent No. 5,280,932 to Folsom discloses a shopping cart advertising display device that comprises a display plate for housing traditional printed display advertising along with a calculator. The calculator is an active device. Folsom does not disclose or suggest, at least, a passive display device that includes a processor for processing and storing downloaded information, or methods for communicating with and controlling such a display unit.

U.S. Patent No. 5,361,871

U.S. Patent No. 5,361,871 to Gupta et al. discloses a product information system for shoppers. The system includes a remote unit having a bar code reader and a microcomputer, with a display provided for the microcomputer and a keyboard provided for controlling microcomputer functions. Gupta et al. discloses that bar coded information from individual products may be scanned to confirm pricing and other product information, and the user may use the keypad to select desired product information to be display. Gupta et al. does not disclose or suggest, at least, a passive display unit, or methods for controlling and communication with such a unit.

U.S Patent No. 5,406,271

U.S. Patent No. 5,406,271 to Sonnendorfer et al. discloses a shopping cart system for using multi-department self-service stores. The cart includes a display, digital memory, a receiver, and a transmitter. When the user moves into an individual department (e.g. within range of an individual transceiver positioned within the store), specific information is transferred to the display unit for display to the user. The cart also includes a transmitter for transmitting cart location and time to department transceivers. Sonnendorfer et al. does not disclose or suggest, at least, a passive mobile display unit with a processor for processing and storing downloaded information, or methods for controlling and communicating with such a unit.

U.S. Patent No. 5,420,606

U.S. Patent No. 5,420,606 to Begum et al. discloses an electronic paper list couponing system including a customer display device that is part of a portable communication unit. The portable communication unit has a control panel with a display screen and user-operated controls that allow the user to select a coupon. Circuitry within the portable communication unit periodically displays product coupons on the display screen. Begum et al. does not disclose or suggest, at least, a passive display unit, or methods for controlling and communicating with such a unit.

U.S. Patent No. 5,836,051

U.S. Patent No. 5,836,051 to Myers discloses a shopping cart having a handle unit that includes a bar code scanner and a calculator. Myers discloses that information displayed by the unit may be updated by local trigger signals in various locations around a retail store. The display device provided by the unit is linked with the bar code reader and the calculator. Myers does not disclose or suggest, at least, a passive mobile display unit, or methods for controlling and communicating with such a unit.

U.S. Patent No. 6,024,281

U.S. Patent No. 6,024,281 to Shepley discloses a nutritional information system for shoppers. In the disclosed nutritional information system, a computing unit including a bar code scanner and means for inputting user personal information are mounted on a shopping cart. As the user scans products in a retail environment, the nutritional content of the item is compared to the user's individualized nutritional needs. Shepley does not disclose or suggest, at least, a passive display unit, or methods for controlling and communicating with such a unit.

U.S. Patent No. 6,177,880

U.S. Patent No. 6,177,880 to Begum discloses an automatic shopping cart handle. The handle includes a display unit and user-operated controls for scrolling through information presented on the display unit. Begum discloses that the automatic handle is programmed to display advertising messages keyed to location by communication with multiple transceivers positioned throughout the retail store. Begum does not disclose or suggest, at least, a passive display unit or methods of controlling and communicating with such a unit.

U.S. Patent No. 6,323,753

U.S. Patent No. 6,323,753 to Begum discloses an automatic shopping cart handle. This patent is a divisional of U.S. Patent No. 6,177,880, which was discussed above. Since the disclosures of this patent and the '880 patent are cumulative to one another, Applicants will not discuss this patent in detail. However, it is noted that Begum does not disclose or suggest, at least, a passive display unit or methods of controlling and communicating with such a unit.

U.S. Patent No. 6,484,939

U.S. Patent No. 6,484,939 to Blaeuer discloses a shopping cart with an integrated self-scanning and checkout unit. The unit includes a bar code scanner and an output display device so that product prices may be read from bar codes by swiping the bar code across the scanner. The unit also includes provisions for reading magnetic stripe information, for example, from a debit card, credit card or other payment mechanism. Blaeuer does not disclose or suggest, at least, a passive display unit, or methods for controlling and communicating with such a unit.

U.S. Patent Application Publication No. 2001/0028301 A1

U.S. Patent Application Publication No. 2001/0028301 to Geiger et al. discloses a display unit that receives signals from a plurality of fixed transceivers positioned around a retail store. The display unit includes a keyboard or other user input device, and in some embodiments, may include a data card reader. Geiger et al. does not disclose or suggest, at least, a passive mobile display unit with a processor for storing downloaded information, or methods for controlling and communicating with such a unit.

U.S. Patent Application Publication No. 2002/0145038 A1

U.S. Patent Application Publication No. 2002/0145038 A1 to O'Hagan et al. discloses a customer information system for use in a retail environment. The system includes a host computer and a portable terminal, which is removably mounted to a shopping cart. The customer enters a request for product information using the portable terminal, and the portable terminal transmits the request to the host computer. O'Hagan et al. does not disclose or suggest, at least, a passive mobile display unit with a processor for storing downloaded information, or methods for controlling and communicating with such a unit.

U.S. Patent Application Publication No. 2002/0158432 A1

U.S. Patent Application Publication No. 2002/0158432 A1 to Wain discloses an "infocart" in which "active and dynamic displays [are placed] on front of shopping carts." Applicants note that the disclosures of this publication are brief, very general, and are not supported by either drawing figures or examples; to the extent that Applicants can understand the disclosures of the publication, information is transmitted through base stations to the display

units using “wireless technology.” The messages on the display “can also change depending on the location of the cart within the store.” Applicants do not believe that Wain discloses or suggests, at least, a passive mobile display unit with a processor for storing downloaded information, or methods for controlling and communicating with such a unit.

U.S. Patent Application Publication No. 2002/0165778 A1

U.S. Patent Application Publication No. 2002/0165778 A1 to O’Hagan et al. is the publication of U.S. Patent Application No. 10/189,724, which is a divisional of U.S. Patent Application No. 09/861,836. U.S. Patent Application Publication No. 2002/0145038 A1, which was discussed above, also results from a divisional of U.S. Patent Application No. 09/861,836. Therefore, the two publications are believed to have identical disclosures, and Applicants will not discuss this publication in detail. However, it is noted that O’Hagan et al. ‘778 does not disclose or suggest, at least, a passive display unit or methods of controlling and communicating with such a unit.

CONCLUSION

In view of the foregoing, Applicants respectfully submit that all of the requirements of MPEP § 708.02(VIII) have been satisfied. Accordingly, favorable consideration of this Petition is respectfully requested. If the Examiner or the deciding official has any questions, he or she is invited to contact the undersigned by telephone. Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 23-1951.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Andrew M. Calderon', with a long horizontal flourish extending to the right.

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